

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5537 of 2019**

- Shankar Lakda S/o Late Shri Amrit Lakda, aged about 45 years, Occupation – Agriculturist, R/o village & Post Laduwa, Thana Rajpur, Civil & Revenue District Balrampur – Ramanujganj (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station – Rajpur, Civil & Revenue District Balrampur, Ramanujganj (C.G.)

---- Respondent

For Applicant	:	Shri Sunil Sahu, Advocate
For Respondent	:	Ms. Reena Singh, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****05/11/2019**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.108/2019, registered at Police Station – Rajpur, District Balrampur – Ramanujganj (C.G.) for the offence punishable under Sections 342, 506 and 376 of IPC.
2. The prosecution story, in brief, is that on 16.04.2019, the complainant/prosecutrix, aged about 35 years, lodged a written report alleging therein that when she went to the house of applicant for bringing gunny bag, the applicant closed the door and committed forcible sexual intercourse with her and also threatened her not to disclosed the incident to anyone, but she informed the incident to her husband, a village meeting was convened but the dispute could not be resolved. Based on this, offence has been registered.

Present applicant has been taken into custody on 17.04.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the prosecutrix is major lady and was consenting party to the act of the applicant. He also submits that there is four days delay in lodging the FIR and the said delay has not been explained by the prosecutrix. He next submitted that the present applicant is in custody since 17.04.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case, and further considering the fact that the prosecutrix is a major lady aged about 35 years, the applicant is in custody since 17.04.2019, and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-

(Rajani Dubey)
Judge